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Jang Gcun Oh

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KED & ASSOCIATES, LLP  
P.O. Box 221200  
Chantilly, VA 20153-1200

EXAMINER

SHERMAN, STEPHEN G

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/621,369  
Filing Date: July 18, 2003  
Appellant(s): OH, JANG GEUN

**MAILED**

**NOV 01 2007**

**Technology Center 2600**

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David C. Oren  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 22 August 2007 appealing from the Office action mailed 21 February 2007.

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**(1) Real Party in Interest**

The real party in interest is the assignee, LG Electronics Inc.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,559,826	Mendelson et al.	5-2003
5,786,801	Ichise	7-1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 28, 30-41 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Mendelson et al. (US 6,559,826).

**Regarding claim 28**, Mendelson et al. disclose a method of setting brightness control codes for a display, comprising:

driving the display (Figure 11, steps 1115-1130 explain that the display is made to display images at various brightness levels on the LCD, and in order to display images on the screen the display must be driven.);

sensing a brightness of the display (Figure 11, steps 1115-1130 explain that the luminance outputs are measured using the sensor.);

adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness (Figure 11 shows steps 1115-1130, where the display is driven at a known voltage level, say for example V. The gamma sensor then senses the brightness, and for example the brightness may be X. In step 1135 the sensed values are used in comparison to known values and previously set values as described in column 15, lines 53-67. In calculation, it would be known that when the

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display is driven at voltage  $V$  that the display brightness should actually have been  $X+\Delta X$ . By knowing what the brightness should have been, and using measurements at other voltage levels and comparing between known values of the display, the voltages at which the different lamps can be updated in order to account for the discrepancy caused by lamp degradation can be determined. Thus, a lamp that was initially driven at voltage  $V$  can now be driven at a voltage  $V+\Delta V$ . Thus the driving is adjusted such that the next time the display is driven, the brightness of the display will be based on the sensed brightness.); and

setting an adjusted brightness control code corresponding to the predetermined brightness of the display (Figure 11 shows step 1145 where the updated profile is stored into memory, which means that the brightness control code is "set" in memory.),

wherein the driving includes initially driving the display using a brightness control code provided by a display manufacturer, and wherein setting the adjusted brightness control code includes setting a new brightness control code corresponding to the predetermined brightness, the new brightness control code replacing the brightness control code provided by the display manufacturer (Column 12, lines 12-22 explain that Figure 9 is the procedure used to set the control codes at the factory. Column 15, lines 6-12 explain that the procedure used in Figure 11 is what is used after manufacture. Column 16, lines 7-16 explain that at the end of the procedure of Figure 11 the codes stored replace the previously stored profile, meaning that they will replace the one that is stored in the procedure of Figure 9. Also since the display has been used without calibration between the processes of Figures 9 and 11, driving of the display between

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these points in time would consist of using control codes set at display manufacture, therefore driving would include initially driving at a level according to the level set at manufacture.).

**Regarding claim 30**, Mendelson et al. disclose the method according to claim 28, wherein the driving, sensing adjusting and setting are preformed a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightness levels (Figure 11, steps 1115, 1120, 1125 and 1130 all state levels which refers to a plurality, meaning that the process as described is repeated numerous times, see also the last sentence of the abstract.).

**Regarding claim 31**, Mendelson et al. disclose the method according to claim 30, further comprising storing the plurality of brightness control codes in a memory of the display (Figure 11, step 1145).

**Regarding claim 32**, Mendelson et al. disclose the method according to claim 30, further comprising storing the plurality of brightness control codes in at least one of a system BIOS, an operating system and a microcontroller of a computer system (Column 9, lines 43-47 and column 4, lines 59-67 and Figure 1, items 12 and 19. The examiner interprets that since the codes are sent to the computer system and that the computer system has an operating system and processors 12 and 19 that the codes are output to at least one of these items in the computer system.)

**Regarding claim 33**, Mendelson et al. disclose the method according to claim 30, wherein the setting comprises setting brightness control codes that indicate how to control an inverter that supplies power to the display (Column 9, lines 28-42 and column 10, lines 56-67 explain that in setting the updated profiles, the voltage settings for the lamps will be changed, so that the setting would comprise of updating these voltages.).

**Regarding claim 34**, Mendelson et al. disclose the method according to claim 30, wherein the setting includes setting high temperature brightness control codes that provide information about how to control the brightness of the display when the display is operated at high temperature (Column 10, lines 56-67).

**Regarding claim 35**, Mendelson et al. disclose the method according to claim 28, wherein the adjusting comprises changing a signal applied to an inverter that supplies power to the display to adjust a brightness of the display (Column 9, lines 28-42 and column 10, lines 56-67 explain that in setting the updated profiles, the voltage settings for the lamps will be changed, so that the setting would comprise of adjusting these voltages.).

**Regarding claim 36**, please refer to the rejections of claim 28 and 30, and furthermore, Mendelson et al. also disclose of using one of the brightness control codes corresponding to a desired brightness level to drive the display at the desired brightness



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level (Column 10, lines 56-67. The examiner interprets that after the codes are set that the display would be driven using one of the brightness control codes stored.).

**Regarding claim 37**, this claim is rejected under the same rationale as claims 33 and 35.

**Regarding claim 38**, Mendelson et al. disclose the method according to claim 36, wherein the brightness control codes are set after the display is driven at the predetermined brightness level (Figure 11. The examiner interprets that the codes are set in steps 1140-1145 after the display is driven in steps 1110-1130.).

**Regarding claim 39**, Mendelson et al. disclose the method according to claim 36, wherein the plurality of different brightness control codes are provided in an EDID format (Column 9, line 66 to column 10, line 13).

**Regarding claim 40**, Mendelson et al. disclose the method according to claim 28, wherein new brightness control code is provided in an EDID format (Column 9, line 66 to column 10, line 13 and Column 16, lines 7-16).

**Regarding claim 41**, this claim is rejected under the same rationale as claim 38.

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**Regarding claim 50**, Mendelson et al. disclose the method according to claim 28, further comprising driving the display using the new brightness control code such that the display is driven at the predetermined brightness (Column 16, lines 7-16 explain that the codes are replaced after the measuring and setting stages are done. This means that the new codes that are stored will be used in the driving of the display every time the display is used until the procedure of updating the values take place again. This means that the display will be driven using the new brightness control codes in order to obtain the brightness desired by the display.).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson et al. (US 6,559,826) in view of Ichise (US 5,786,801).

**Regarding claims 47-49**, Mendelson et al. disclose the methods according to claims 28 and 36.

Mendelson et al. fail to explicitly teach wherein setting the new/adjusted brightness control codes includes increasing or decreasing by 1 the brightness control code provided by the display manufacturer (previous control code).

Ichise discloses of a controller which outputs brightness control codes by increasing or decreasing at least one previous control code by 1 (Figure 3 and column 5, lines 17 to column 6, line 6 explain that the controller changes the brightness of the display by attenuating the brightness based on the measurement data. An example is given in column 5, lines 53-56 that if the difference value obtained is 30, the brightness is attenuated by 30%. Then in column 5, line 64 to column 6, line 1 it explains that the values are changed when the difference value is between 0 and 30. This means that if the difference value is 1, then the brightness will be attenuated by 1%, i.e. if the detected brightness is 79 and the reference value is 78, then the brightness will be decrease by 1 so that the brightness matches 78.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to increase or decrease brightness control codes as taught by Ichise with the apparatus taught by Mendelson et al. in order to limit said brightness to a predetermined brightness level when the current brightness is higher than the

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predetermined value and to increase brightness when the current brightness is lower than a predetermined value.

### **(10) Response to Argument**

#### **Independent Claim 28**

The applicant argues the rejection of independent claim 28 on page 6, line 5 of the Appeal Brief. The applicant states that the present specification describes outputting a same brightness irrespective of product characteristics of different manufacturers, while in contrast, Mendelson discloses replacing a new updated reference profile, and that this does not suggest the features of independent claim 28 relating to a predetermined brightness. The applicant then more specifically states starting on page 7, line 3 that Mendelson does not teach or suggest adjusting the driving of the display until the display is driven "at a predetermined brightness" and setting an adjusted brightness control code "corresponding to the predetermined brightness" of the display. The applicant then disagrees with the Examiner's assertions made on page 4, lines 4-6 of the Office Action, stating that Mendelson states that luminance ratios are stored in a memory device for constructing a table and that an updated reference profile including the table is stored within the memory device. The examiner respectfully disagrees. The applicant for some reason believes that Table 1 shown in column 11 of Mendelson does not show predetermined brightnesses but rather shows luminance ratios. The examiner agrees that luminance ratios are shown

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between Red Lamp 132 and Blue Lamp 136, however, the lamps being driven at Maximum and Minimum luminance ARE predetermined brightnesses, and the brightnesses measured at these MAXs and MINs in the table are used to calculate all of the voltages, i.e. "brightness control codes", and then these values are stored and used the next time the display is driven. Thus the codes that are set are adjusted codes, which correspond to the predetermined brightnesses, i.e. MAXs and MINs levels of the lamps.

The applicant then argues in the last paragraph of page 7 that the Advisory Action states that the table described in column 16, lines 1-16 correlates voltage settings, brightness and temperature, but that this does not suggest an adjusted brightness control code corresponding to a predetermined brightness, however, as explained above, this feature is taught by Mendelson.

The applicant then continues their argument on page 8, first paragraph where the applicant recites multiple sections of Mendelson, similar to those above, such as stating that Mendelson discloses relating white balance and adjustment of relative percentage contributions of red, blues and green intensity components, and then the applicant states that Mendelson does not suggest the specific features relating to setting an adjusted brightness control code corresponding to a predetermined brightness of the display. The examiner respectfully disagrees. The fact that Mendelson discloses such things as relating white balance and adjustment of relative percentage contributions of red, blues and green intensity components does not matter as to whether or not

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Mendelson discloses the claimed limitations, and as explained above, Mendelson does teach this feature of the claims.

The applicant next argues beginning on page 8, second paragraph, that Mendelson does not teach or suggest adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness. The applicant begins by stating that the Office Action cites Mendelson's Figure 11, steps 1115-1130, but that the cited section discusses that images are displayed with the lamps set at four relative intensity levels, and that Maximum and minimum intensity levels are not a predetermined brightness based on a sensed brightness. The applicant then continues on to argue that the driving of a display by using lamps at a maximum or minimum does not teach or suggest driving a display until the display is driven at a predetermined brightness based on the sensed brightness and that Mendelson does not teach the "until aspect". The examiner respectfully disagrees. The claim broadly recites the limitation of "adjusting the driving of the display until the display is driven at a predetermined brightness based on the sensed brightness". The applicant states that Maximum and minimum intensity levels are not a predetermined brightness based on a sensed brightness, however, the examiner never stated in the rejection that driving at the MAXs and MINs taught that feature. The examiner stated that Mendelson drives the display at different voltages, and senses the brightness of the display (Figure 11, steps 1115-1130). Then calculations are made based on the sensed brightness to create an updated profile, which is stored in memory (Figure 11, steps 1140-1145). Then, after the process is done, the display will be driven based upon the stored profile that was

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updated. Thus, Mendelson teaches of driving the display (after the codes are stored) at predetermined voltages, which are predetermined brightnesses since the voltages that the display are driven at determine the brightness (just as in the applicant's invention), based upon the values that has been sensed by the sensor, i.e. sensed brightness.

Thus Mendelson teaches the claimed limitations. The applicant seems to believe that Mendelson does not teach this feature because of the word "until" in the claim, however, as explained the values are adjusted once before the display is driven again using the new values, and this means that the "driving" of the display was adjusted until the display is driven at a predetermined brightness based on the sensed brightness. The claimed limitations are not required in the claims to take place in any specific order, i.e. the claims do not state that the setting of the adjusted brightness control code has to happen after the adjusting of the driving. Thus, the examiner's interpretation that the brightness control code is set in memory, and then the adjusted driving occurs is not prevented by the claims.

The applicant then states at the bottom of page 9 that Mendelson does not teach or suggest that setting the adjusted brightness control code includes setting a new brightness control code corresponding to the predetermined brightness, and the new brightness control code replacing the brightness control code provided by the display manufacturer, however, as stated in the rejection, Mendelson does teach this feature of claim 28.

Therefore, Mendelson does teach all of the features of independent claim 28, and the rejection is proper.

**Dependent Claim 30**

The applicant argues the rejection of dependent claim 30 on page 10. The applicant begins by stating that claim 30 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 30 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest that the sensing, adjusting and setting are performed a plurality of times to set a plurality of different brightness control codes. The examiner respectfully disagrees. The cited Figure 11, steps 1115, 1120, 1125 and 1130 explain that multiple brightnesses are sensed, and therefore multiple codes will be set. Also, the specification also states that the procedure shown in Figure 11 can be done periodically (see the last sentence of the abstract), which means that the sensing, adjusting and setting as described with respect to claim 28 can be done a plurality of times such that each time a plurality of brightness control codes can be set, which reads on the claimed limitations, and thus Mendelson does teach the features of dependent claim 30.

**Dependent Claim 31**

The applicant argues the rejection of dependent claim 31 on page 11. The applicant begins by stating that claim 31 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features



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of claim 28 and therefore claim 31 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest of storing the plurality of brightness control codes in a memory of the display, and that step 1145 in Figure 1 of Mendelson relates to storing an updated reference profile within a memory, and that Mendelson does not teach that the updated reference profile includes a plurality of brightness control codes. The examiner respectfully disagrees. Column 16, lines 1-16 explain that the update reference profile; which includes a table of updated voltage settings of the lamps, brightness of the display, etc, which means that the reference profile contains "brightness control codes". Therefore, Mendelson does teach the features of dependent claim 31.

**Dependent Claim 32**

The applicant argues the rejection of dependent claim 32 on page 11. The applicant begins by stating that claim 32 depends from claim 30 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 30 and therefore claim 32 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest of storing the plurality of brightness control codes in at least one of a system BIOS, an operating system and a microcontroller of a computer system. The applicant states that the examiner's citations do not relate to storing a plurality of brightness control codes", however, as stated above, Mendelson does teach of the claimed "brightness control codes". Therefore, Mendelson does teach the features of dependent claim 32.

### **Dependent Claim 33**

The applicant argues the rejection of dependent claim 33 on page 12. The applicant begins by stating that claim 33 depends from claim 30 and/or independent claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 30 and claim 28 and therefore claim 33 does not define patentable subject matter for this reason. Further, the examiner would like to point out that claim 33 depends from claim 30 which depends from claim 28. Thus claim 33 cannot be said by the applicant to depend directly from 28 as suggested within this argument. Further, the applicant states that Mendelson does not teach or suggest that the setting comprised setting brightness control codes that indicate how to control an inverter that supplies power to the display. The examiner respectfully disagrees.

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The cited sections by the examiner state that there is an inverter and that the reference profile relates to voltage settings, brightness levels, etc. In a display, the voltage levels held in memory are used to drive the inverter for the backlight, which is known in display technology. Thus the voltages stored in Mendelson will be used to drive the inverter or else the display will not function. Thus the values set in the reference profiles relate to voltage setting which drive the inverter. Therefore, Mendelson does teach the features of dependent claim 33.

#### **Dependent Claim 34**

The applicant argues the rejection of dependent claim 34 on page 13. The applicant begins by stating that claim 34 depends from claim 30 and independent claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 30 and claim 28 and therefore claim 34 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest that the setting includes setting high temperature brightness control codes that provide information about how to control a brightness of the display when the display is operating at high temperature because the cited portion of Mendelson does not discuss setting high temperature brightness control codes. The examiner respectfully disagrees. The cited portion states that the reference profile, which is what is adjusted as explained above, correlates voltage settings (i.e. brightness control codes as explained above) with color temperatures. Thus if the codes are set

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for temperatures, then there will be high temperature codes. Therefore, Mendelson does teach the features of dependent claim 34.

### **Dependent Claim 35**

The applicant argues the rejection of dependent claim 35 on page 13. The applicant begins by stating that claim 35 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 35 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest that the adjusting comprises changing a signal applied to an inverter that supplies power to the display to adjust a brightness of the display because the cited portion of Mendelson does not relate to adjusting the driving until the display is driven at a predetermined brightness by changing a signal applied to an inverter. The examiner respectfully disagrees. The inverter is supplied with a voltage value to drive the display, since the voltage values are being changed as explained above, then the signal, i.e. voltage, supplied to the inverter is adjusted. Therefore, Mendelson does teach the features of dependent claim 35.

### **Dependent Claim 40**

The applicant argues the rejection of dependent claim 40 on page 14. The applicant begins by stating that claim 40 depends from claim 28 and therefore defines

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patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 40 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest that the new brightness control code is provided in an EDID format. The examiner respectfully disagrees. Column 16, lines 7-16 specifically state that the updated profile is stored within the EDID memory, which means that it will be stored in EDID format. Therefore, Mendelson does teach the features of dependent claim 40.

**Dependent Claim 41**

The applicant argues the rejection of dependent claim 41 on page 15. The applicant begins by stating that claim 41 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 41 does not define patentable subject matter for this reason. Further, the applicant states that Mendelson does not teach or suggest that setting the brightness control codes occurs after adjusting the driving of the display. The examiner respectfully disagrees. As explained above, the process described by Mendelson can be preformed periodically, which means that the setting of codes will be performed after adjusting the driving. The applicant provides no argument other than stating that Mendelson does not teach this feature and, therefore, Mendelson does teach the features of dependent claim 41.

#### **Dependent Claim 47**

The applicant argues the rejection of dependent claim 47 on page 15. The applicant begins by stating that claim 47 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 47 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Ichise does not relate to brightness control codes and further does not teach or suggest increasing by 1 a brightness control code, and then states that there is no suggestion to combine the references and there is no suggestion to modify Mendelson's teaching to include the features of Ichise. The examiner respectfully disagrees. The applicant provides no

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evidence to back up their argument, but rather just states plainly that the references don't teach the features and are not combinable, however, the examiner understands, as explained in the rejection, that the references do teach the claimed limitations and are combinable. Therefore, the applied references do teach the features of dependent claim 47.

**Dependent Claim 48**

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The applicant argues the rejection of dependent claim 48 on page 16. The applicant begins by stating that claim 48 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 48 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Ichise does not relate to brightness control codes and further does not teach or suggest decreasing by 1 a brightness control code, and then states that there is no suggestion to combine the references and there is no suggestion to modify Mendelson's teaching to include the features of Ichise. The examiner respectfully disagrees. The applicant provides no evidence to back up their argument, but rather just states plainly that the references don't teach the features and are not combinable, however, the examiner understands, as explained in the rejection, that the references do teach the claimed limitations and are combinable. Therefore, the applied references do teach the features of dependent claim 48.

#### **Dependent Claim 50**

The applicant argues the rejection of dependent claim 50 on page 17. The applicant begins by stating that claim 50 depends from claim 28 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 28 and therefore claim 50 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Mendelson does not teach or suggest driving the display using the new brightness control codes such that the



display is driven at the predetermined brightness, and states once again that the updated reference profile relates to luminous ratios and not brightness control codes. The examiner respectfully disagrees. As explained above, Mendelson does teach of the claimed "brightness control codes" and, therefore, the applied references do teach the features of dependent claim 50.

### **Independent Claim 36**

The applicant argues the rejection of independent claim 36 on page 18 of the Appeal Brief. The applicant states that "for similar reasons as set forth above, Mendelson does not teach or suggest the features of independent claim 36" and then continues by repeating the arguments presented for independent claim 28. For at least the reasons as set forth above, Mendelson does teach the features of independent claim 36. The applicant then on line 10 of page 19 repeats the arguments made with respect to dependent claim 30, in that Mendelson does not teach or suggest repeating the driving, sensing, adjusting and setting a plurality of times to set a plurality of different brightness control codes corresponding to a plurality of different predetermined brightnesses. As explained above with respect to claim 30, Mendelson does teach these features of the claim. Therefore, Mendelson does teach all of the features of independent claim 36, and the rejection is proper.

### **Dependent Claim 37**

The applicant argues the rejection of dependent claim 37 on page 20. The applicant begins by stating that claim 37 depends from claim 36 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 36 and therefore claim 37 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Mendelson does not teach or suggest that the using comprises using a brightness control code corresponding to the desired brightness level to control an inverter that supplies power to the display. The examiner respectfully disagrees. As explained above, the cited sections by the examiner state that there is an inverter and that the reference profile relates to voltage settings, brightness levels, etc. In a display, the voltage levels held in memory are used to drive the inverter for the backlight, which is known in display technology. Thus the voltages stored in Mendelson will be used to drive the inverter or else the display will not function. Therefore, Mendelson does teach the features of dependent claim 37.

#### **Dependent Claim 38**

The applicant argues the rejection of dependent claim 38 on page 20. The applicant begins by stating that claim 38 depends from claim 36 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 36 and therefore claim 38 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Mendelson does not teach or suggest that the brightness control codes are set after the display is driven at the predetermined brightness, however, as explained with respect to claim 41, Mendelson

does teach this feature. Therefore, Mendelson does teach the features of dependent claim 38.

#### **Dependent Claim 39**

The applicant argues the rejection of dependent claim 39 on page 21. The applicant begins by stating that claim 39 depends from claim 36 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 36 and therefore claim 39 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Mendelson does not teach or suggest that the plurality of different brightness control codes are provided in an EDID format, however, as explained with respect to claim 40, Mendelson does teach this feature. Therefore, Mendelson does teach the features of dependent claim 39.

#### **Dependent Claim 49**

The applicant argues the rejection of dependent claim 49 on page 21. The applicant begins by stating that claim 49 depends from claim 36 and therefore defines patentable subject matter, however, as stated above, Mendelson discloses the features of claim 36 and therefore claim 49 does not define patentable subject matter for this reason. Further, the applicant states that the cited section of Ichise does not relate to brightness control codes and further does not teach or suggest increasing or decreasing a previous brightness control code by 1, and then states that there is no suggestion to

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combine the references and there is no suggestion to modify Mendelson's teaching to include the features of Ichise, however, as explained with respect to claims 47 and 48, the combined references do teach this feature. Therefore, Mendelson does teach the features of dependent claim 49.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

**(12) Conclusion**

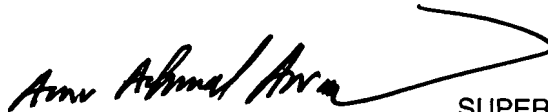
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Stephen Sherman S.S.

Conferees:

Amr Awad



AMR A. AWAD  
SUPERVISORY PATENT EXAMINER

Alexander Eisen



ALEXANDER EISEN  
SUPERVISORY PATENT EXAMINER